



Security Council

Distr.: General
20 January 2006

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 16 January 2006 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

With reference to the letter of your predecessor dated 15 November 2005, I herewith transmit the requested additional responses of the Government of the Republic of Macedonia pursuant to Security Council resolution 1540 (2004) (see annex).

(Signed) **Igor Dzundev**
Ambassador
Permanent Representative



Annex to the letter dated 16 January 2006 from the Permanent Mission of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

Additional responses related to the national report submitted by the Government of the Republic of Macedonia

1. OP 1

- On 25 June 2002 the Government of the Republic of Macedonia established an inter-ministerial body, consisting of representatives of the Ministries of Foreign Affairs, Interior, Defense, Justice, and Finance as well as of the Intelligence Agency, in order to coordinate the country's response to international obligations stemming from Resolutions 1267 and 1373;

- On 14 September 2005 the Republic of Macedonia signed the International Convention for the Suppression of Acts of Nuclear Terrorism.

2. OP 2

- As pointed out in the initial report, in March 2004 the National Assembly adopted the amendments to Articles 394 and 407 of the Criminal Code.

Article 394a of the Criminal Code stipulates that „one that creates a group, gang or other criminal organization with intention to perform the following crimes:...production, possessing or trade with nuclear weapons, biological, chemical and other types of weapons and dangerous materials...shall be sentenced to at least eight years of imprisonment”, and the objects and means intended for preparation of the crimes and finances shall be confiscated.

Article 407b of the Criminal Code incriminates the misuse of chemical or biological weapons (“one that will produce or improve, purchase, house, sell or buy, or mediate in buying or selling, owns, transfers or transports chemical or biological weapons...shall be sentenced to at least one year of imprisonment”).

- Pursuant to Article 118 of the Criminal Code, the criminal legislation is also applicable to a citizen of the Republic of Macedonia when he commits a crime abroad (the so-called extraterritoriality clause).

3. OP 3 (a) and (b)

- In consultation with the OPCW, the National Inter-Ministerial Body in charge of overseeing the implementation of obligations under the CWC has prepared a draft-law on chemical weapons.

Under this Draft-Law, legal and natural persons are prohibited to:

- develop, produce, otherwise acquire, stockpile or retain chemical weapons;
- transfer, directly or indirectly, chemical weapons, to any legal or natural person;
- use chemical weapons;

- engage in any military preparations to use chemical weapons;
- assist, encourage or induce, in any way, anyone to engage in any activity prohibited under the Convention;
- use riot control agents as a method of warfare;
- engage in any other activities prohibited under the Convention.

The Draft-Law also contains prohibitions related to Schedules I, II and III of the Annex on Chemicals to the Convention.

The Draft-Law contains an elaborate Penal Provisions section, envisaging both civil and criminal penalties for offenders.

The Draft-Law also addresses the issues of: licensing of chemical installations and use of materials, national CWC authority, and reporting obligations to the OPCW.

The Draft is expected to enter into governmental procedure for adoption by the end of March 2006.

- On 18-19 October 2005 the OPCW successfully conducted the Inspection OCPF/294/05 in accordance with paragraph 6 of Article VI of the Convention – the first-ever inspection under the Convention in the Republic of Macedonia. The inspection verified that activities were consistent with the information provided in declarations as well as the absence of any Schedule I chemical:

- On 12 July 2005 the Republic of Macedonia concluded a Protocol Additional to the Safeguard Agreement with the IAEA;

- As far as the Nuclear Safety Convention is concerned, following the finalization of governmental procedure (29 December 2005), the Convention entered parliamentary procedure for its ratification:

- The ratification procedure has been initiated with regard to the 8 July 2005 Amendment to the Convention on the Physical Protection of Nuclear Material. It is still in its early stages;

- As pointed out in the initial report, the Law on Protection of Ionizing Emission and Radiation Safety was passed in 2002. Its aim is to improve the degree of human health protection from harmful effects of ionizing radiation as well as to provide maximum safety during radiation sources operation. The Law regulates the control system of all ionizing radiation sources and provides for human and environment protection against exposure to ionizing radiation. The Law contains provisions on measures to secure use and storage.

- In May 2005 the Radiation Safety Directorate was established under the Law on Protection of Ionizing Emission and Radiation Safety as an independent body which will report to the Government.

4. OP 3 (c)

In the context of, *inter alia*, developing/maintaining appropriate national borders controls to detect, deter, prevent and combat the illicit trafficking and brokering of nuclear, chemical, biological weapons and their means of delivery, including related materials, and pursuant to the national strategy for integrated border management, in 2005 the Border Police finalized the process of taking over the duty of securing and controlling state borders from the army.

5. OP 3 (d)

- On 21 September 2005 Parliament adopted the Law on Export Control of Dual-Use Goods and Technology. The new law, *inter alia*, addresses the issues of licenses for export/import of dual-use goods and technology and keeping/updating a register of companies licensed to trade in dual-use goods and technology. The Law is accompanied by a control list of dual-use items and technologies in line with the EU control list. The Law also prescribes that an end-user certificate is needed for both export and import of dual-use items and technologies.

The Law contains an elaborate Penal Provisions section, envisaging both civil and criminal penalties for offenders.

6. OP 6

Interministerial consultations have been initiated regarding the adoption and incorporation into national legislation of the EU Common Military List.
